

## **AMENDMENTS TO THE DRAWINGS WITHOUT MARKINGS**

### **IN THE DRAWING:**

Fig. 6 has been amended.

Figs. 6a, 6b have been added.

## **REMARKS**

The last Office Action of September 9, 2008 has been carefully considered. Reconsideration of the instant application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-16, 35-36, 38-44 are pending in the application. Claims 1, 2, 4, 8, 11, 13, 16, 38 have been amended. Claims 3, 5-7, 9-10, 35-36, 39-44 have been canceled. Claims 45, 46 have been added. Amendments to the specification and drawings have been made. No fee is due.

It is noted that the drawings are objected to because of applicant's failure to show every feature set forth in the claims.

Claims 2-7, 9-10, 13, 35-36, 39, 42-43 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-14, 35-36, 38-44 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 6,772,653 to Franksson.

Claims 15-16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Franksson in view of French Pat. No. 2632460 to Mounier.

## **OBJECTION TO THE DRAWING**

Applicant has amended Fig. 6 by adding an encircled area which is shown in Fig. 6a by way of an enlarged section to more clearly show the tooth system 33 and thread of the housing. Fig. 6b has been added to show the matching thread of the motor pot for engagement with the thread of the housing and the at least one internal tooth of the motor casing (pot), as set forth in claim 13, for engagement with the tooth system 33 of the housing. A new drawing sheet is submitted and labeled "Replacement Sheet". The specification has been amended to make it consistent with the amendments to the drawing. No new matter has been added.

The reference to "bayonet joint", as set forth in claim 3, to "resilient locking tongues, as set forth in claim 16, has been deleted. Claims 40-42 have been deleted as well.

Withdrawal of the objection to the drawing is thus respectfully requested.

#### **REJECTION UNDER 35 U.S.C. §112, SECOND PARAGRAPH**

Applicant has amended claims 2-3, 5, 7, 43 to address the §112 rejection. These changes are self-explanatory and cosmetic in nature and should not be considered as a narrowing amendment to trigger prosecution history estoppel.

In addition, applicant has canceled claims 6, 36, 42.

Withdrawal of the rejection under 35 U.S.C. §112, second paragraph is thus respectfully requested.

#### **REJECTION UNDER 35 U.S.C. §102(b)**

Applicant has amended claim 1 to more clearly set forth the structural relationship between the housing and the motor casing as well as between the housing and the attachment element. More specifically, claim 1 has been amended to set forth the intermeshing engagement between threads of the housing and the motor casing in a first cylindrical connection zone, and the intermeshing engagement between threads of the housing and the attachment element in a second cylindrical connection zone. In addition, the particular relative disposition between the attachment element and the motor casing, as components to be threadably engaged with the housing, is set forth. This claim limitation is clearly shown in Fig. 1. Still further recited in claim 1 is the presence of a d.c. motor for operation of the furniture component. Support therefore can be found in paragraphs [0053] of the instant specification. Claim 45 has been added to set forth the positional relationship between the motor casing and the lifting tube (cf. Fig. 1). Claim 46 expressly sets forth the particular configuration of the attachment element to attain the cylindrical

connection zone. Support therefore can be found in paragraph [0059] of the instant specification.

The Franksson reference describes a linear drive having a housing (outer tube 12) which is threadably engaged to an attachment element (disc 21) which in turn is threadably engaged with a motor casing (housing 1). As clearly shown in Fig. 3 of Franksson, the outer tube 12, the disc 21, and the housing 1 are connected in series to one another. In other words, the outer tube and the housing are connected to the disc. In contrast thereto, claim 1 on file sets forth a "parallel" connection, i.e. both the attachment element and the motor casing can be connected separately from one another to the housing. Moreover, in Franksson, the disc 21 and the housing 1 extend coaxially to one another, whereas claim 1 sets forth the perpendicular disposition between the motor casing and the attachment element.

For the reasons set forth above, it is applicant's contention that Franksson neither teaches nor suggests the features of the present invention, as recited in claim 1.

As for the rejection of the retained dependent claims 2, 4, 8, 11-14, 38, these claims depend on claim 1, share its presumably allowable features, and therefore it is respectfully submitted that these claims should also be allowed.

Withdrawal of the rejection under 35 U.S.C. §102(b) is thus respectfully requested.

#### **REJECTION UNDER 35 U.S.C. §103(a)**

Claims 15, 16 which depend from claim 1 and therefore contain all the limitations thereof, patentably distinguish over the applied prior art in the same manner as claim 1.

Withdrawal of the rejection under 35 U.S.C. §103(a) is thus respectfully requested.

## CITED REFERENCES

Applicant has also carefully scrutinized the further cited prior art and finds it without any relevance to the claims on file. It is thus felt that no specific discussion thereof is necessary.

## CONCLUSION

In view of the above presented remarks and amendments, it is respectfully submitted that all claims on file should be considered patentably differentiated over the art and should be allowed.

Reconsideration and allowance of the present application are respectfully requested.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

Respectfully submitted,

By: 

Henry M. Feiereisen  
Agent For Applicant  
Reg. No: 31,084

Date: March 5, 2009  
708 Third Avenue  
Suite 1501  
New York, N.Y. 10017  
(212)244-5500  
HMF:of